

[Counsel listed on signature page]

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED FOOD AND COMMERCIAL
WORKERS UNIONS AND EMPLOYERS
MIDWEST HEALTH BENEFITS FUND, on
behalf of itself and all others similarly situated,

Plaintiff,

v.

ALZA CORPORATION, a California
Corporation,

Defendant.

CASE NO.: 06-CV-0314

Consolidated in MDL No. 1761

**STIPULATION AND ~~[PROPOSED]~~
ORDER DISMISSING PLAINTIFF
UFCW'S COMPLAINT WITH
PREJUDICE**

Honorable Jeffrey S. White

Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff United Food and Commercial Workers Unions and Employers Midwest Health Benefits Fund ("UFCW") and Defendant Alza Corporation ("Alza"), by and through their counsel of record, respectfully submit the present stipulation dismissing UFCW's complaint in Case No. 06-CV-0314 and the consolidated amended complaint in MDL No. 1761. The parties further agree UFCW and Alza shall bear their own costs associated with the maintenance and defense of Case No. 06-CV-0314 and all actions consolidated in MDL No. 1761. THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:

1. Dismissal with prejudice. Plaintiff UFCW hereby dismisses with prejudice its complaint in Case No. 06-CV-0314 and currently consolidated with other complaints in the action captioned "In re Ditropan XL Antitrust Litigation, MDL No. 1761," presently pending before this Court. Concurrently herewith, UFCW shall file a voluntary dismissal with prejudice of the consolidated amended complaint in MDL No. 1761, currently pending before this Court.

2. Costs. UFCW and Alza shall bear their own costs and fees incurred in the prosecution and defense of Case No. 06-CV-0314 and all actions consolidated in MDL No. 1761. In no event shall any party to Case No. 06-CV-0314 or to MDL No. 1761 be entitled to recover from or be

1 required to pay to any adverse party fees, costs, or any other remuneration emanating out of this
2 action as a result of the instigation, prosecution, defense, or dismissal with prejudice of Case No. 06-
3 CV-0314 and MDL No. 1761.

4
5 Dated: December 17, 2007

6 By: _____/s/

7 Timothy J. Becker
8 Stacy K. Hauer
9 Brian C. Gudmundson
10 ZIMMERMAN REED, P.L.L.P.
11 651 Nicollet Mall, Suite 501
12 Minneapolis, MN 55402
13 Telephone: (612) 341-0400
14 Facsimile: (612) 341-0844
15 Email: tjb@zimmreed.com
16 Email: skh@zimmreed.com
17 Email: bcb@zimmreed.com

18 Edward A. Wallace
19 Mark R. Miller
20 WEXLER TORISEVA WALLACE LLP
21 One North LaSalle Street, Suite 2000
22 Chicago, IL 60602
23 Telephone: (312) 346-2222
24 Facsimile: (312) 346-0022
25 Email: eaw@wtwlaw.us
26 Email: mrm@wtwlaw.us

27 Mark J. Tamblyn
28 WEXLER TORISEVA WALLACE LLP
1610 Arden Way, Suite 290
Sacramento, CA 95815
Telephone: (916) 568- 1100
Facsimile: (916) 568-7890
Email: mjt@wtwlaw.us

Jason J. Thompson
J. Thompson & Associates, PLC
26000 W 12 Mile Road
Southfield, MI 48034
Telephone: (248) 436-8448
Email: jthompson@jta-law.com

1 Jeffrey L. Kodroff
2 SPECTOR, ROSEMAN & KODROFF, P.C.
3 1818 Market Street, Suite 2500
4 Philadelphia, PA 19103
5 Telephone: (215) 496-0300
6 Facsimile: (215) 496-6611
7 Email: jkodroff@srk-law.com

8 Ann K. Mandt
9 David R. Parker
10 CHARFOOS & CHRISTENSEN, P.C.
11 5510 Woodward Avenue
12 Detroit, MI 48202
13 Telephone: (313) 875-8080
14 Facsimile: (313) 875-8522
15 Email: akmandt@c2law.com
16 Email: drparker@c2law.com

17 Mike Miller
18 Stacey Tjon
19 SOLBERG, STEWART, MILLER & TJON
20 1129 Fifth Avenue South
21 Fargo, ND 58103
22 Telephone: (701) 237-3166
23 Facsimile: (701) 237-4627
24 Email: mmiller@solberglaw.com
25 Email: stjon@solberglaw.com

26 *Attorneys for Indirect Purchaser Plaintiffs*

GIBSON, DUNN & CRUTCHER LLP


By: _____ /s/
Michael A. Sitzman

M. Sean Royall (admitted *pro hac vice*)
Monique Michal Drake, SBN 167188
Michael A. Sitzman, SBN 156667
GIBSON, DUNN & CRUTCHER LLP
One Montgomery Street, Suite 3100
San Francisco, California 94104
Telephone: (415) 393-8200
Facsimile: (415) 986-5309
Email: sroyall@gibsondunn.com
Email: mdrake@gibsondunn.com
Email: msitzman@gibsondunn.com

Attorneys for Defendant Alza Corporation

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 18, 2007


Honorable Jeffrey S. White
United States District Judge